



# City of Centennial

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## Council Policy Dialogue

TO: Honorable Mayor Noon and Members of City Council

DEPT/DIVISION: Code Compliance Division

STAFF LEAD: Susie Ellis, Code Compliance Manager

DATE OF MEETING: March 14, 2011

SUBJECT: Deferred Code Item – Stockpiling

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### **Description of Issue:**

This report has been prepared to provide City Council with an opportunity to have a policy dialogue about how to move forward with regulations concerning Stockpiling. City Council supported a timeline for the nine (9) remaining Deferred Code Items (DCI) located in the Land Development Code (LDC) and Municipal Code (MC) based upon a presentation by Rita McConnell on February 14, 2011. Stockpiling is being presented at the same City Council study session as Oversized Vehicles (on private residential property) and Home Occupations, because of their interrelatedness.

The Policy issue for City Council to discuss is:

***Does City Council support a modification to the definition of Stockpiling within the MC to expand it to include the accumulation of items in a quantity not customarily associated with residential properties?***

### **History/Previous Actions:**

#### **Existing Regulations**

The code referencing Stockpiling is located in Chapter 7, Article 2, Section 7-2-30 of the MC is limited on what constitutes Stockpiling or accumulation of junk and debris. While the code prohibits Stockpiling of obvious items such as wood, dirt, scrap metal and appliances it does not address a common problem related to the number of items stored (accumulation) upon a property. Code Compliance often receives inquiries regarding the storage of multiple items, such as “eight bicycles” or “six lawn mowers” (see photos on next page). These items are not ordinarily defined as junk and may be operational and useful; however, the large number is not *customarily* found in a residential setting and can detract from the positive appearance of residential neighborhoods.



To aid in the discussion Staff has provided the current MC Chapter 7, Article 2, Section 7-2-30 as well as a potential modification to the Code should City Council decide to expand the definition of Stockpiling.

#### Current Code

*It is a nuisance and unlawful for any owner to permit, authorize, allow, store or keep upon any property any stockpile, pile, stack, stand, collection, assembly or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, lumber, wood, shingles, used or discarded building or construction materials, tires, inoperable equipment, household appliances, scrap metal, scrap plastic, rubbish, refuse, waste or junk, except where:*

- (1) Located within a fully enclosed and lawfully existing structure or building;*
- (2) Located upon property zoned and lawfully used for agricultural purposes, including the keeping of horses or other livestock;*
- (3) Directly associated with and necessary for an activity being conducted pursuant to a valid and effective building permit issued by the City for the same property upon which such conditions exist;*
- (4) Directly associated with and necessary for the conduct of a lawfully permitted business activity (excluding home occupations) such as, but not limited to, the Stockpiling of lumber associated with a lumber yard or the piling of earth or stone associated with a landscaping materials sales business;*
- (5) Earth, dirt, stone or rock is integrated into and made part of a permanent landscape feature located upon a residentially zoned lot containing: a principal or primary residential structure; or*
- (6) Not more than two (2) cords of stacked wood suitable and intended for on-site residential use in an interior wood-burning fireplace or heating system located upon a residentially zoned lot. (Ord. 2004-O-26 §1-7.1.103)*

### Potential Modified Code

Staff has provided below a potential modification (highlighted in yellow) to the introductory paragraph in Section 7-2-30 of the Municipal Code to address the accumulation of items. All other content, including the six specific exceptions, would remain unchanged.

*It is a nuisance and unlawful for any owner to permit, authorize, allow, store or keep upon any property any stockpile, pile, stack, stand, collection, assembly or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, lumber, wood, shingles, used or discarded building or construction materials, tires, inoperable equipment, household appliances, scrap metal, scrap plastic, rubbish, refuse, waste, junk or an accumulation of items in a quantity not customarily found in residential zone districts, except where:*

### Alignment with Vision and Citizen Survey

The City's guiding plans recognize the need to protect and enhance local neighborhoods. Both *Our Voice. Our Vision. Centennial 2030* (adopted in 2008) and the *Comprehensive Plan* (adopted in 2004) contain numerous goals, strategies, policies and actions that relate to strengthening our neighborhoods. The following summary from these two documents is not intended to be comprehensive, but rather an identification of the items that are most directly related to this topic. In addition to these two guiding documents, the most recent Centennial citizen survey identified citizens' rating of the service delivery and performance of their local government. Combined, these three documents are valuable resources that can help inform City Council's dialogue and decision-making on this specific matter.

### Our Voice, Our Vision, Centennial 2030

The City of Centennial's *Our Voice. Our Vision. Centennial 2030* (OVOV) is an important resource in this conversation, as it sets forth a vision for our community formed by its citizenry. OVOV captures the spirit of citizens' pride in their neighborhoods:

*"Strong neighborhoods - Citizens speak proudly of "their" neighborhoods, and many participate in the strong neighborhood associations that connect them to each other and the greater community." (Page 6)*

It organizes citizens' interests within four major themes and provides a vision along with strategies and actions for each one – City Services, Community Quality of Life/Citizen Engagement, Economic Health and Environment. City Council should consider in its dialogue on this issue the following strategy that touches upon the need to address regulations to enhance and maintain vibrant neighborhoods:

Strategy 6. MAINTAIN THE CITY IN SUCH A WAY THAT PROPERTY VALUES ARE PROTECTED.

Action 6.2. CONTINUE TO REVIEW AND UPDATE CITY CODES as deemed necessary by the city and the citizens (for example, codes involving air, noise, signs, visual, parking, structures, weeds, animals, insect control, etc).

### Comprehensive Plan

The City of Centennial's *Comprehensive Plan* (Comp Plan) is also an important resource in this conversation, because it sets forth a vision for our community as does OVOV. It contains eight major plan elements. This master plan is Centennial's blueprint for the future that is intended to help guide policy making on matters that effect the physical growth and development (redevelopment) of the City:

*“The Comprehensive Plan is a framework to guide public policy and implement the vision for the City of Centennial. The vision for Centennial is a community that is sustainable and cohesive, inspires pride, and produces remarkable places.” (Page 3)*

Although the Comprehensive Plan does not contain goals that are associated with or specific to the topic of Stockpiling, it does address the need to preserve housing stock and protect residential neighborhoods:

### **Housing**

“Centennial’s strong residential base and existing neighborhoods are perhaps the City’s greatest assets as both an economic engine and the backbone of the community. These assets must be protected and enhanced as new residential development occurs and as older residential areas redevelop and are revitalized.” (Page 12)

### **Goal 1: Preserve Existing Housing Stock and Protect Stable Residential Areas**

#### Centennial Citizen Survey

The Centennial Colorado 2010 Citizen Survey (Centennial Citizen Survey) provided residents the opportunity to rate the quality of life in the City, as well as the service delivery and overall workings of local government. Furthermore, the survey permitted residents to provide feedback to local officials on what is and is not working well, and to share their priorities for community planning and resource allocation. From 3,000 mailed surveys, the City received 940 completed responses. Staff reviewed the results of the survey and found numerous references and results that should be considered by City Council when deciding if it wants to or does not want to move forward on the topic of Stockpiling.

Citizens identified code enforcement as an important service to improving their quality of life, ranking fourth out of sixteen identified items (see Attachment A, Page 16 of Survey). The survey addressed eight specific code issues and assessed resident’s perspectives about how important it is for the City to address these issues: essential, very important, somewhat important, and not at all important. For code violations typically associated with Stockpiling, the results are as follows:

- Outside storage (i.e. building materials, trash items, junk):
  - Essential – 27%
  - Very important – 45%
  - Somewhat important – 24%
  - Not at all important – 4%

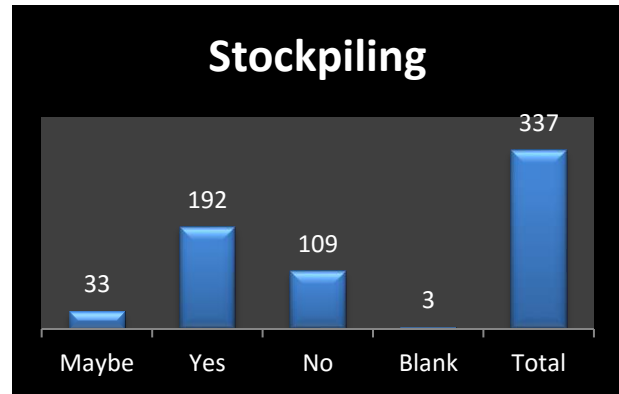
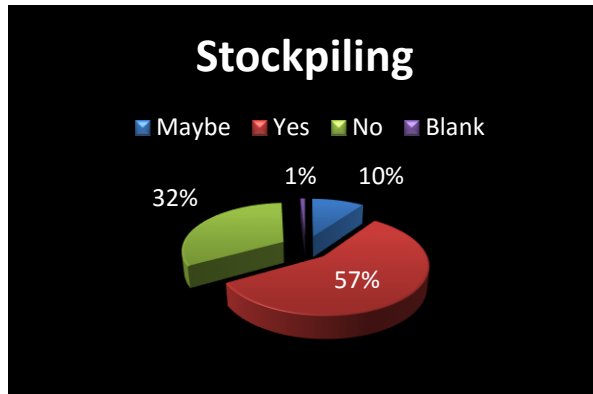
Outdoor storage of debris and miscellaneous items appears to be of more overall importance to respondents. The importance of this topic ranked the highest at 72% in the question of Code Enforcement Priorities. Attachment A to this report provides the pertinent pages from the citizen survey.

#### Code Compliance Survey

In addition to the Centennial Citizen Survey, Code Compliance conducted an Internet based survey in 2009 identifying the five Priority Issues in an effort to collect public input and comments. The purpose of the survey was to allow the general public to express their opinions and ranking of the five code issues. The survey was provided online via the City’s website, as well as in hard copy form for those residents who did not have access to the Internet. The survey was available from July through September and resulted in 337 responses. In addition, Staff attended numerous District meetings, neighborhood meetings and a CenCON meeting all

in an effort to inform citizens of City Council's desire to involve them in the process and gather community input.

***The survey results indicate an overall support for the Stockpiling proposed revisions, which is consistent with the results from the Centennial Citizen Survey.*** The charts below illustrate the majority (57%) of survey participants would support an ordinance addressing the accumulation of items not customarily associated with residential properties.



Based on the survey results, Staff recommended moving forward with the Stockpiling issue through the LDC rewrite process and the MC.

### **LDC Advisory Team**

The topic of Stockpiling was not presented to the LDC Advisory Team due to the issue being located within the Municipal Code and not the Land Development Code; therefore team comments are included in the report.

### **Policy Implications:**

As stated on the first page of this report, this policy issue is as follows:

***Does City Council support a modification to the definition of Stockpiling within the MC to expand it to include the accumulation of items in a quantity not customarily associated with residential properties?***

Presently, the Code Compliance Division responds to citizen complaints about the amount, appearance and duration (of storage) of items visible from the public rights-of-way. Complainants express that these items are better suited for a repair shop and are not in line with the character of their residential neighborhood and, thus, degrade their property values. In most cases upon inspection, Staff has found that large amounts of outdoor storage of materials and/or debris could be considered useless or beyond repair. However, owners sometime express that their items, like bicycles and lawnmowers, are repairable and useful. Because, the current code addresses what would be classified as junk, but not the accumulation of items, owners that make this argument are ultimately allowed to keep their large pile of items. The potential change to the code would allow Staff to address citizens concerns by requiring owners of these types of items to store them elsewhere on their property, not within public view.

### **Jurisdiction Comparison – Attachment B**

Staff conducted a survey of eleven surrounding jurisdictions in the Denver Metro area and found that 9 out of the eleven have an expanded Stockpiling definition. The jurisdictions that have an expanded ordinance include: Arvada, Aurora, Thornton, Denver, Greenwood Village, Littleton,

Lone Tree, Westminster and Englewood. The jurisdictions that do not enforce an expanded Stockpiling ordinance include Lakewood and Parker.

### **Next Steps**

Based upon City Council's direction at tonight's meeting, Staff will move forward with a draft Ordinance for City Council consideration at a future date.

City Council will have six remaining Deferred Code Items to address following this study session.

### **Attachments**

A - Centennial Citizen Survey 2010 (Pages 16, 30,45,67,68 and 77)

B - Jurisdictional Comparison - Stockpiling

**NOTE: Materials associated with past presentations identified in this report (OVOV 2030, Citizen Survey) are available for download from the City's website.**